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General Assembly

Fifty-seventh session

Official Records

31st plenary meeting
Wednesday, 16 October 2002, 10 a.m.
New York

President: Mr. Kavan ..... (Czech Republic)

In the absence of the President, Miss Clarke (Barbados), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 8 (*continued*)

Adoption of the agenda and organization of work: reports of the General Committee

Third report of the General Committee (A/57/250/Add.2)

The Acting President: I should like to draw the attention of representatives to the third report of the General Committee, document A/57/250/Add.2.

In paragraph 1 of the report, the General Committee recommends to the General Assembly that consideration of the item entitled "Question of the Comorian island of Mayotte" be deferred to the fifty-eighth session of the General Assembly and that the item be included in the provisional agenda of that session.

May I take it that the Assembly approves that recommendation?

It was so decided.

The Acting President: In paragraph 2 of the report, the General Committee recommends to the General Assembly that an additional item entitled "South American Zone of Peace and Cooperation" be included in the agenda of the current session.

May I take it that the General Assembly decides to include this additional item in the agenda of the current session?

It was so decided.

The Acting President: The General Committee further recommends that the additional item be considered directly in plenary meeting.

May I take it that the General Assembly decides to consider this item directly in plenary meeting?

It was so decided.

The Acting President: I should like to inform Members that the item entitled "South American Zone of Peace and Cooperation" becomes item 167.

Agenda item 31

Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion

Report of the Secretary-General (A/57/179 and Corr.1 and A/57/179/Add.1)

Draft resolution (A/57/L.4)

The Acting President: I give the floor to the representative of the Libyan Arab Jamahiriya to introduce draft resolution A/57/L.4.

Mr. Dorda (Libyan Arab Jamahiriya) (*spoke in Arabic*): The draft resolution that we are submitting to

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the Assembly today does not pertain to Libya specifically, but to the whole world. It is not directed at Libya specifically; indeed, it is directed at all other States, particularly the industrialized developed nations that are advanced technologically. Therefore, here we are not defending Libya alone; we are defending the entire international community, and the industrialized developed nations in particular.

We should by no means accept that a parliament of any State can legislate for all of us. When people elect their representatives to a parliament, they elect them so that they will represent them and legislate on their behalf.

Such legislation cannot and must not apply beyond the judicial authority of those countries. We are talking about the parliament of a country insisting that its legislation should apply to the entire world, even though the people who elected those representatives elected them to legislate for their country only. If we accept that practice, then we can only expect further legislation of the same kind. If we comply with such legislation, then we must expect that there will be further legislation with which we have to comply.

We are not against any one State; we are trying only to defend ourselves. Legislation of this nature not only contravenes the principles of international law and the Charter, but goes against all international human rights instruments. It also goes against sustainable development — a subject on which the international community is holding conference after conference at the summit level. What right does a parliament in any particular country have to legislate to prohibit countries from cooperating among themselves? We do not subscribe to the theory of laissez-faire — yet those countries that subscribe to it are the very ones who are not allowing us to develop. Those who preach international free trade are the very ones who have legislated to prohibit international trade, cooperation, progress and development.

My country accords priority to geographical factors. Europe is the prime target of the legislation, and my country wishes to emphasize that it is quite satisfied by the level of cooperation that we have with all European States in all fields, including energy, industry, agriculture, services, trade and commerce. We are trying to redouble our efforts to promote such cooperation with neighbouring States, as well.

We are essentially defending the countries — Japan and the industrialized countries — that would be deprived by this legislation of the revenue and income that they would daily make in the Libyan market. We are talking not about Libya alone, but about the international community, about values and ideals, about human rights and the United Nations Charter and the principles of international law.

I call on the Assembly to vote in favour of the draft resolution so that in future we can pre-empt all those who seek to undermine international cooperation or to impose their legislation on our peoples, parliaments and representatives.

I wish members every success and call on them to vote for their own interests first and foremost, as well as for the interests of humanity.

Mr. Vallenilla (Venezuela) (*spoke in Spanish*): I have the honour to speak on behalf of the Group of 77 and China in support of draft resolution A/57/L.4, entitled "Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion", just introduced by the Ambassador of the Libyan Arab Jamahiriya.

In adding our support for the draft resolution, I would like to reiterate the position of the ministers of the developing countries, expressed in the Declaration issued on the occasion of the Twenty-Sixth Annual Ministerial Meeting of the Group of 77, held at New York on 19 September 2002. Paragraph 42 of that Declaration states:

> "We firmly reject the imposition of laws and regulations with extraterritorial impact and all other forms of coercive economic measures, including unilateral sanctions against developing countries, and reiterate the urgent need to eliminate them immediately. We emphasize that such actions not only undermine the principles enshrined in the Charter of the United Nations and international law, but also severely threaten the freedom of trade and investment. We therefore call on the international community neither to recognize these measures nor apply them."

I would also like to recall paragraph 96 of the Plan of Implementation agreed at the World Summit on Sustainable Development in Johannesburg, South

Africa, on 4 September 2002, and endorsed by the heads of State or Government of the international community, in which States agreed to

> "Take steps with a view to the avoidance of and refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that impedes the full achievement of economic and social development by the population of the affected countries, in particular women and children, that hinders their well-being and that creates obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services. Ensure that food and medicine are not used as tools for political pressure."

I believe that these paragraphs are very pertinent to the work of the Assembly.

Mr. Kazemi Kamyab (Islamic Republic of Iran): It is indeed regrettable for all of us in the international community that we have to address an issue that is in itself undermining the very foundation of multilateralism, a principle that is the cornerstone of the functioning of the United Nations system.

The General Assembly adopted successively resolutions 51/22, 53/10 and 55/6, in which it expressed its deep concern at the negative impact of unilaterally imposed extraterritorial coercive economic measures on trade, financial and economic cooperation, including trade and cooperation at the regional level. Such measures simply defy common sense, as they hamper and adversely affect the free flow of trade and capital at the regional and international levels.

Member States, in adopting these resolutions, have categorically expressed their opposition to any use of extraterritorial coercive economic measures or legislative enactments unilaterally imposed by any State. They have also called for the repeal of unilateral extraterritorial laws and sanctions imposed on corporations and nationals of other States.

The promulgation and application of laws or regulations that have extraterritorial implications infringing the sovereignty of other States and the legitimate interests of the entities and persons under their jurisdiction is a clear violation of universally accepted rules and principles of international law and has been strongly rejected on various occasions by the overwhelming majority of States. Coercive economic measures as a means of political and economic compulsion, in particular through the enactment of extraterritorial legislation, not only contravene well-recognized provisions and principles of international law and of the Charter of the United Nations, but also threaten the basic fabric of international peace, security and stability, in clear violation of the sovereign rights of States. They also impede and constrain the settlement of disputes through the promotion of mutual dialogue, understanding and peaceful means.

In an era of rapid and unprecedented change, the world is more than ever in need of peace, security and stability, which must be strengthened in keeping with the collective responsibility of countries and also through, inter alia, respect for sovereignty, rejection of interference in the internal affairs of other States, refraining from compulsion and intimidation, as well as the creation of an enabling environment for replacing conflict and unequal relations with dialogue and negotiations.

These measures have a serious adverse impact on the overall economic, commercial, political, social and cultural life of the targeted countries, diminishing their capacities and exacerbating the challenges they face at this time of globalization and its concomitant traumatic transformations.

Moreover, they are proving to have adverse impacts on technology transfers and on investment risk assessment, thus worsening financial and monetary management, weakening industrial and agricultural infrastructures and undermining the commercial policies of the targeted countries. Such coercive measures strain the actual and potential capacities of targeted countries in the very important areas of health and education — two basic elements of every social welfare programme. This in itself delays the development of their economic infrastructure and results in the further exacerbation of their regional, social and economic outlook.

The enforcement of unilateral coercive economic measures has inflicted grave and irreparable losses, including a heavy financial and human toll, on the targeted countries. To this effect, the Islamic Republic of Iran, as one of the countries affected, reserves the right to pursue its material and moral claims and to

lodge complaints against Governments enacting those measures.

Along those same lines, the Islamic Republic of Iran requests the United Nations to call for the abrogation of those measures through the adoption of concrete actions. All countries should, in a spirit of multilateralism and of sincere observance of international laws and regulations, avoid resorting to and enacting such measures.

Finally, I should like to conclude by expressing my appreciation to the Secretary-General for his report under the agenda item entitled "Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion". However, we are of the view that his report should, in addition to presenting a compilation of the views of Member States on this issue, contain concrete proposals and recommendations as to how the United Nations system could cope with this fundamental threat to its very foundation.

Mr. Erwa (Sudan) (*spoke in Arabic*): I have the honour to make this statement on behalf of the Member States of the Organization of the Islamic Conference (OIC).

Allow me at the outset to draw the attention of the Assembly to its resolution 55/6, adopted in this very Hall, which called on the international community to take urgent, effective and rapid measures to put an end to unilateral extraterritorial coercive economic measures as a means of political and economic compulsion.

As the Secretary-General has stated,

> "When countries work together in multilateral institutions — developing, respecting and when necessary enforcing international law — they also develop mutual trust and more effective cooperation on other issues." *(Press release SG/SM/8447)*

In this respect, I should like to reaffirm the principles enshrined in the Charter of the United Nations, in particular those that call for the development of friendly relations among nations and the strengthening of cooperation in resolving economic and social problems.

In this connection, the Islamic Group would like to reiterate once again that all peoples have the right freely to determine the political orientation they deem appropriate and the ways and means they choose in order to achieve their economic growth and social development.

The Organization of the Islamic Conference would like to express its deep concern over the continued application of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion and their continual adverse effects on trade and on financial and economic cooperation. In this regard, we call upon all States not to recognize or apply unilateral extraterritorial coercive economic measures imposed by any State that are contrary to the recognized principles and provisions of international law.

The Islamic Group has repeatedly called on States that impose unilateral sanctions on the States members of the OIC to desist from such practices, since they contravene the principles of international law and the United Nations Charter. It has expressed solidarity with the Libyan Arab Jamahiriya, the Islamic Republic of Iran, my own country, Sudan, and other States that suffer from unilateral economic sanctions.

In conclusion, I would like, on my own behalf and on behalf of the Islamic Group, to call once again for the repeal of coercive unilateral sanctions that are used for political and economic compulsion and that disregard the lofty and noble principles embodied in the United Nations Charter. The Group fully supports the draft resolution entitled "Elimination of unilateral extraterritorial coercive economic measures as a means of political economic compulsion", submitted by the Libyan Arab Jamahiriya, and calls upon all States to support it and vote in its favour.

Mr. Rodríguez Parrilla (Cuba) (*spoke in Spanish*): Cuba vigorously and unequivocally rejects any application of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion against developing countries. Cuba's response to the Secretary-General towards the preparation of his report is quite clear and precise; unfortunately, it was not included in the main report, although we submitted it one month ahead of the indicated deadline. The corresponding corrigendum has been published.

My country voted in favour of resolution 55/6, adopted at the fifty-fifth session of the General

Assembly, and it will again vote in favour today of the draft resolution that has been introduced.

The General Assembly, in many resolutions, has opposed the application of unilateral extraterritorial coercive economic measures as a flagrant violation of the principles of international law, the United Nations Charter and the norms and principles governing international trade.

However, the United States Government has ignored the appeals of the international community and continue to apply unilateral coercive measures as instruments of its foreign policy and national security interests. No other country of the world has so openly and so harshly applied measures of this kind. Between 1997 and 2001, the United States Government passed 59 laws and executive orders authorizing unilateral economic sanctions. Thirty countries were affected by these new measures. Thus, the number of States targeted by the unilateral economic sanction regimes of that country now stands at 78, according to the "2002 New Sanctions Study" published by USA Engage.

The so-called Torricelli, Helms-Burton and D'Amato-Kennedy Acts violate the sovereignty of States by imposing sanctions on third countries. The extraterritoriality of these laws is incompatible with the agreements of the World Trade Organization and works against the efforts of the international community to achieve a just, equitable, non-discriminatory and transparent international trading system. The five-year extension of the D'Amato-Kennedy Act, imposing sanctions on foreign companies that invest in the oil sector in Iran and Libya, contravenes the most elementary principles of international law, as well as the freedoms of trade and investment.

The application of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion must cease.

Mr. Ng (Malaysia): Malaysia associates itself with the views expressed by the representative of the Organization of the Islamic Conference on this very important issue.

We also join other delegations in reiterating our grave concern over the application of extraterritorial coercive measures in inter-State relations. We are dismayed that, despite the recommendations adopted on this issue by the General Assembly and United Nations conferences, unilateral coercive measures continue to be promulgated and employed as State policies and practices, with all their negative effects on the socio-economic development of the affected countries. The imposition of such measures contravenes international law and is totally incompatible not only with international rules and regulations, but also with the principles of non-intervention and non-interference in the internal affairs of sovereign States.

Malaysia rejects the application of such measures as tools for political or economic pressure or coercion against target countries for their negative and often debilitating effects on large sectors of the population, especially children, women, the elderly and the disabled.

From the statements made in this Assembly today and in the past, and the responses received by the Secretary-General pursuant to a previous resolution on this subject, it is clear that these measures are as universally unpopular as they are anachronistic. In the era of globalization and liberalization, such measures run counter to the spirit of partnership being fostered by all countries, living as we do in this global village. In the increasingly interdependent and interconnected world, where international trade and international cooperation, based on mutuality of interests and benefits, play a pivotal role in relations among States, there is really no place or justification for the continuation of such measures, which are a throwback to a bygone era.

From the development perspective, unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development. As recognized by the Intergovernmental Group of Experts on the Right to Development in its report, these measures run counter to the principles of a non-discriminatory and open multilateral trading system and hamper the development of all developing countries.

Malaysia fully subscribes to the longstanding and principled position of the Non-Aligned Movement that such measures create barriers to free or unfettered trade amongst States, and calls on all States to refrain from adopting extraterritorial or unilateral measures of coercion as a means of exerting pressure on non-aligned and other developing countries.

In expressing its strong support for the draft resolution sponsored by the delegation of the Libyan Arab Jamahiriya, Malaysia joins the call for the immediate repeal of such unilateral extraterritorial laws, in particular the D'Amato-Kennedy Act and the Helms-Burton Act, the main objective of which is, inter alia, to restrict the target country's access to markets, capital, technology and investment in order to maximize the intended negative impact of that policy on the country or countries concerned. These measures should be scrapped and replaced with measures that are fair and consistent with the corpus of international laws, principles and regulations, and with a policy of dialogue and engagement in keeping with the spirit of our time.

Mr. Atta (Egypt) (*spoke in Arabic*): At the outset, I would like to thank the Secretary-General, on behalf of the African Group, which my country chairs this month, for his comprehensive report on item 31 of the agenda entitled "Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion".

Today, we live in a world that is interdependent and overlapping on the economic and political levels, one characterized by globalization and short distances that once divided peoples, as well as by interdependency between societies and dialogue among cultures and civilizations. It is a world characterized by transparency brought about by the scientific and technological advances that have allowed us to keep abreast of all the developments that occur on the planet, even in its remotest areas. In such a world, aspiring to cooperation and unity in order to bring about progress, unilateral extraterritorial coercive measures used as a means of political and economic compulsion contradict the spirit of the new age and the principles of equity and justice between peoples and countries.

In spite of the fact that the United Nations Charter allows the Organization to use economic coercive measures only in cases that represent a threat to international peace and security, the implementation of such means by some countries unilaterally is illegal, according to the provisions and norms of international law. The General Assembly has expressed its rejection of such measures on many occasions and has adopted a number of resolutions rejecting unilateral coercive economic measures. These resolutions emphasize the fact that States should refrain from using extraterritorial laws which constitute a clear threat to international cooperation and to the fundamental principles on which the international financial, trade and economic systems are based.

The African countries are fully aware of their responsibilities within a new international regime that imposes multilateralism, such as the World Trade Organization, and that assumes the presence of a non-discriminatory and equitable environment among States to enable developing countries to advance and increase their international economic and trade activities.

But we question how we can accomplish such objectives, including liberalization of international trade, in view of the contradictions arising from the continuation of coercive unilateral measures that target specific countries and prevent them from opening their markets to the rates of growth that they aim for.

As we are guided by the principles of the United Nations Charter, particularly those of developing friendly relations among States and strengthening relations between them, the countries of the African Group, through many forums and along with other groups such as the Non-Aligned Movement and the Group of 77, have rejected and condemned measures that defy the will of the international community. We should take action against discrimination, injustice, occupation, hatred and unilateral coercive measures; take them out of international relations in order to have a just and peaceful world.

In conclusion, the countries of the African Group are concerned about the continuation of the unilateral coercive measures that affect the sovereignty and national interests of countries and international trade at the regional and international levels. Such measures not only undermine the principles enshrined in the United Nations Charter and in international law, but also seriously threaten the freedom of investments and trade, since every State has an inalienable right to economic, social and cultural development, and the right to choose freely the political, economic and social system that is appropriate for the prosperity of its people and in accordance with its national plans and policies.

The Acting President: I now give the floor to the representative of South Africa on behalf of the Non-Aligned Movement.

Ms. Ndhlovu (South Africa): At the Twelfth Summit of the Non-Aligned Movement, held in Durban, South Africa, the heads of State and Government stated, in the Durban Declaration for the New Millennium, that:

> "We must take up the challenge to fundamentally transform international relations, so as to eradicate aggression, racism, the use of force, unilateral coercive measures and unfair economic practices, foreign occupation and xenophobia in order to achieve a world of peace, justice and dignity for all".

The Summit also condemned certain States that persist in intensifying unilateral coercive measures and in using domestic legislation with extraterritorial effects against developing countries. These refer to actions that include blockades, embargoes and the freezing of assets with the purpose of preventing developing countries from exercising their right to fully determine their political, economic and social systems while freely expanding their international trade.

The heads of State and Government also reaffirmed their commitment to strongly resist and to take a unified stand against economic coercion. The Non-Aligned Movement is convinced of the need to contribute more effectively to increasing the role of developing countries in the international economic system. This need was recognized by all countries at the United Nations Conference on Financing for Development in Monterrey in March this year. Furthermore, equal and non-discriminatory rights of all countries to join the international trading system and the need to keep the World Trade Organization and its membership procedures non-political and economy-oriented cannot be overemphasized.

Our aim is to create a rules-based system in which small and large nations will be treated as equal sovereign States. We believe that such a democratic reform will benefit all.

The Non-Aligned Movement firmly believes that recourse by the major trading countries to actions such as extraterritorial measures are incompatible with international rules and with the principles of the World Trade Organization. The unjustified and excessive use of anti-dumping measures to the detriment of the trade of developing countries is also a matter of great concern.

The Non-Aligned Movement, in condemning the increased use of coercive economic measures on developing countries, clearly states that no State may use or encourage the use of political, economic or any other type of measures to coerce another State, including non-extension of most-favoured-nation status. We also reject the expansion of such trends and urge States applying unilateral coercive measures to put an immediate end to them.

The Movement is concerned about the adverse effects of the use of coercive economic measures on the economy and development efforts of developing countries. There is no doubt that such measures have a wide negative impact on international economic cooperation and on worldwide efforts to move towards a non-discriminatory and open trading system.

At the Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Movement in Durban in April this year, the Ministers again recognized the rights of all States to determine freely their own political, economic and social systems. They thus condemned the continued use by certain countries of extraterritorial measures and the imposition of unilateral coercive economic measures against certain developing countries.

The Ministers also repeated the Non-Aligned Movement's call on all States not to recognize unilateral, extraterritorial laws as enacted by certain countries. They were of the view that such measures threaten the sovereignty of States and adversely affect their social and economic development. Furthermore, they marginalize developing countries with regard to the process of globalization and are contrary to international law, to the principles and purposes of the Charter of the United Nations, to the norms and principles governing peaceful relations among States, and to agreed principles of the multilateral trading system.

The Acting President: I now give the floor to the representative of Kuwait.

Mr. Al-Awadi (Kuwait) (*spoke in Arabic*): I have the honour to speak on behalf of the Group of Arab States, which my country is chairing for the month of October.

Over the past few years, the Arab Group has followed closely the discussions held in the General Assembly on the item before us today, entitled

"Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion". Those discussions have led to the adoption of three Assembly resolutions expressing the concern of Member States at the negative impact of coercive measures that are imposed unilaterally and that transcend national and regional jurisdictions. The resolutions call for the elimination of national laws that contradict and contravene international law. More than once, the members of the Arab Group have expressed, through their membership in the Arab League or in other regional organizations — particularly the Non-Aligned Movement — their complete rejection of such coercive measures, which contradict the principle of the sovereignty of States and other international norms under which we all operate in organizing our international relations.

We in the Arab Group are fully convinced of the impact of unilateral coercive economic measures on the efforts of the United Nations to follow up on the implementation of the Millennium Declaration. The Secretary-General has pointed out that one of our primary objectives for the next century is to strengthen international law in all areas, particularly to respect the Charter principles of the equal sovereignty of States and of non-intervention in their internal affairs. The Assembly should continue to reject such measures, which attempt to marginalize international law and to put national laws above its principles and norms. Such objectives contradict those on which we agreed when we set out priorities for facing the challenges of the new century, which require that we strongly uphold the principles and purposes of the Charter and that we ensure compliance with resolutions of international legitimacy, particularly on the part of those that ignore such norms. We should like to recall that the issue of unilateral extraterritorial coercive economic measures and the fact that they contravene international law are not new.

Here, I should like to point out the inadmissibility of intervention in the internal affairs of countries and the importance of protecting the sovereignty and equality of States, which the General Assembly affirmed in 1956, as well as the Charter of Economic Rights and Duties of States, adopted in 1974 by the General Assembly in resolution 3281 (XXIX), which states that no country may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights. That is the essence of the three resolutions adopted by the General Assembly under this item and the objective of the draft resolution that we shall consider for adoption at the end of today's debate.

The extent to which such unilateral coercive measures contravene the principles of international law — not to speak of the obvious negative economic and social effects of their implementation, which we have no time to consider at the moment because of our convention and because they are well known to everyone — should be enough to convince the international community to continue to reject them. Therefore, the Arab Group calls upon all members to join us in supporting the draft resolution before us today for consideration, sponsored by the representative of Libya. That draft resolution is in conformity with the firm international position that rejects unilateral economic measures and supports States in rejecting such measures, which lack international legitimacy.

The Acting President: I now give the floor to the representative of the Syrian Arab Republic.

Mr. Wehbe (Syrian Arab Republic) (*spoke in Arabic*): Enhancing international cooperation to resolve problems of an economic and social nature constitutes one of the fundamental principles of the Charter of the United Nations. For that reason, the international community must fully assume its responsibilities in dealing with unilateral extraterritorial coercive economic measures used as a means of political and economic compulsion.

Globalization means that we must face great challenges. In order to do that, we must work together to prevent the consolidation of the negative measures used by certain parties to impose economic and social conditions on other States — particularly developing countries and all those maintaining economic relations with them — in flagrant violation of the simplest rules of international law and of the purposes and principles of the United Nations.

All peoples have the right to self-determination. On the basis of that right, which is guaranteed by the Charter, peoples are free to determine their own political reality and to work for the development of their economic, social and cultural systems. The sovereign right of States has been confirmed, for

example, in the Charter of the United Nations and the Charter of Economic Rights and Duties of States, adopted in 1974 by the General Assembly in resolution 3281 (XXIX). Article 32 of that document states: "No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights". A nation's imposition of its national laws on the nationals or companies of third countries in such a way as to exceed its territorial limits is a further violation of the sovereign rights of States.

Unilateral, extraterritorial coercive economic measures are not just a violation of the principles of international law and the standards, goals and norms governing international trade and World Trade Organization agreements, they also have negative consequences on the social and human development of developing countries victimized by such measures. The Commission on Human Rights has repeatedly confirmed this fact. Likewise, at the XII Summit of the Non-Aligned Movement, held at Durban, South Africa, heads of State and Government condemned the persistence of some States in intensifying such economic measures unilaterally and to adopt national legislation having extraterritorial effect in order to prevent developing countries from exercising their full right to determine their own political, economic and social systems and to freely expand their international trade. The Non-Aligned Movement reaffirmed that position once again at the ministerial meeting of its Coordinating Bureau held in Durban in 2002, at which time the Movement also reaffirmed its repudiation of national laws that exceed the territorial limits of States as contrary to the very nature of international relations and the purposes and principles of the Charter of the United Nations.

Similarly, at the South Summit, held in Havana, the heads of State and Government of the Group of 77 and China reaffirmed their categorical rejection of the imposition of laws and regulations with extraterritorial effect, as well as all forms of coercive economic measures. They also stressed that such measures not only run counter to the principles enshrined in the Charter of the United Nations and in international law, but pose a serious threat to freedom of trade and investment. In that regard, they appealed to the international community not to recognize such measures or to apply them, as those measures were tantamount to defiance of investors, developing countries, countries of the Non-Aligned Movement and the Group of 77, as well as being contrary to the principles of morality and law and representing utter defiance for the Charter.

The international community is increasingly aware of the dangers and negative effects posed by these unilateral economic measures as these measures have not been confined to target countries. Their consequences also affect every country and company that maintains relations with those States. We believe that the international community should take a clear and firm position in dealing with these measures. It should also take a bolder and more courageous stance to meet the challenge posed by coercive measures, as they represent a violation of the rules of international law and of the Charter of the United Nations.

The considerable increase in the number of countries voting in favour of the resolution on this subject at the fifty-fifth session is evidence of the international community's growing awareness of the need to confront this challenge to international law. We hope that this trend will continue as we adopt the draft resolution before the Assembly. We are convinced that all the statements made today on behalf of the countries of the Non-Aligned Movement, the Group of 77, the Organization of the Islamic Conference and the Arab Group — with which we associate ourselves — should help foster the growing trend in opposition to the practice of adopting unilateral measures to impose sanctions on third countries, particularly on the Libyan Arab Jamahiriya, the Sudan, the Islamic Republic of Iran, Cuba and the other States throughout the world that have been targets of coercive measures.

Mr. Salman (Iraq) (*spoke in Arabic*): At the outset, I have the pleasure to express my gratitude to the delegation of the brotherly Libyan Arab Jamahiriya for its initiative to include this important item on the agenda of the General Assembly, given the increased tendency to resort to coercive economic measures as a means of political and economic compulsion, and the heightened tensions in international political and economic relations that are endangering international peace.

Article 1 of the Charter of the United Nations stipulates that one of the purposes of the United Nations is to develop friendly relations among nations based on respect for the principle of equal rights and

self-determination of peoples. The Charter has also entrusted the General Assembly with several major tasks, including developing international cooperation in the cultural, social, economic, educational and medical fields and promoting respect for the human rights and fundamental freedoms of all peoples. It is on the basis of that responsibility that the General Assembly is called upon to consider any measures taken in contravention of those principles and to examine ways of responding to them.

Practical experience has demonstrated that coercive economic measures is a loathsome weapon that cannot deter peoples from attaining their inalienable right to chose their own political, economic and social systems. This weapon has shown its effectiveness in injuring innocent civilians, delaying development in targeted countries and their trading partners, sowing the seeds of economic and political instability throughout the world, and flouting the Charter, international humanitarian law, human rights, and the principles of the sovereign equality of States, territorial integrity and non-intervention in the internal affairs of other States. It has also been effective in suppressing the right of peoples to choose their own political and economic regimes and their right to development and participation in international economic relations based on mutually beneficial common interests.

The imposition of coercive economic measures by individual countries through unilateral laws or through multilateral forums is a short-sighted policy that leads nowhere. We would like to draw attention to the fact that countries that resort to unilateral coercive economic measures as a means of economic and political compulsion always attempt to lend the appearance of legitimacy to those measures by transforming them into multilateral measures. That has occurred in the cases of Libya, Sudan, Iraq, Cuba and Iran with the imposition of multilateral sanctions regimes against those countries.

The world today is undergoing rapid changes through the efforts of the international community, as represented by the majority of Members of this international Organization, to establish the rule of law and to build a world of justice, prosperity and equal rights for all. On the other hand, there are the few who are motivated by the arrogance of force and dominion, who consider themselves above the law and who will use any means to serve their own interests. The majority must call on the few to warn them of the error of their ways. The draft resolution before the General Assembly today, introduced by fraternal Libya, is an attempt in that direction.

Coercive economic measures imposed against Iraq have led to the destruction of its economic infrastructure and to a humanitarian disaster in which more than 1,700,000 citizens have died. It is one of the worst disasters of modern history. That has been confirmed by reports of United Nations agencies and international humanitarian organizations. The unilateral coercive economic measures that the United States and the United Kingdom insist on imposing actually represent a political conflict with Iraq, not the implementation of United Nations resolutions.

In conclusion, we must point out that unilateral coercive measures have made it impossible for Iraq to pay its share to the international Organization and have caused it to lose its right to vote. If Iraq had the right to vote, it would vote in favour of the draft resolution entitled "Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion", contained in document A/57/L.4.

The Acting President: In accordance with the decision taken at the 27th plenary meeting, on 14 October 2002, I call on the Observer of the Holy See.

Archbishop Martino (Holy See): The discussion on unilateral extraterritorial coercive measures has continued for too many years. The Assembly has before it the report of the Secretary-General (A/57/179 and Add.1 and Corr.1), which once again provides the responses of States concerning that important issue.

In 1997, in preparation for the report of the Secretary-General to the fifty-second session, the Holy See made its contribution, and my delegation believes that this is an appropriate opportunity to once again bring that response to the attention of the Assembly:

> "The Holy See, because of its particular nature, does not have economic and trade relations with other States. However, by means of the articulation of its clear and principled stand on the question of the imposition of international economic sanctions and other means of political and economic coercion, especially by His Holiness Pope John Paul II, as well as through its diplomatic activity in this area, it has sought to

alleviate the distress suffered by civilian populations that are either directly or indirectly affected by the imposition of such measures. The Holy See considers it to be legitimate for the international community to resort to economic sanctions when confronted with a specific Government that has acted in a manner that places world peace in danger. However, the Holy See holds that there are several conditions that must accompany the imposition of such sanctions, namely, sanctions may not be a means of warfare or punishment of a people; sanctions should be a temporary means of exerting pressure on Governments whose choices threaten international peace; sanctions must be proportionate to the goals they hope to achieve; and sanctions must always be accompanied by a dialogue between the parties involved.

"His Holiness Pope John Paul II has stated that the embargo, clearly defined by law, is an instrument that needs to be used with great discernment and it must be subjected to strict legal and ethical criteria. It is always imperative to foresee the humanitarian consequences of sanctions, without failing to respect the just proportion that such measures should have in relation to the very evil that they are meant to remedy. ... A mechanism should be introduced that would allow for independent and effective control of the humanitarian consequences of sanctions and subsequently establish ways to correct those effects. The legitimate decision by the international community never dispenses with the due attention that must be paid to the concrete fate of the civilian population." (*A/52/459, paras. 29 and 30*)

The position of the Holy See has not changed, and it aligns itself with those other States that continue to call for the end of unjust and harmful measures directed at States, not only on the basis of national sovereignty, relations to trade or economic matters, but most especially on the basis of the recognition of human dignity and the right to life, liberty and security.

Even as the discussion continues, the Holy See will renew its commitment, and it joins with other Governments, in pledging to ensure that food and medicine are never used as tools of political pressure.

By the very phrase "coercive economic measures as a means of political and economic compulsion", a dark shadow is cast over any result that one State might hope to accomplish. There is something almost sinister at work when force, coercion and compulsion are at work as a means to an end. That is not the way of a civilized world, it cannot be acceptable within the family of nations and it should never be condoned, under any circumstances.

The Acting President: We have heard the last speaker in the debate on this item.

We shall now proceed to consider draft resolution A/57/L.4. Before giving the floor to the speaker in explanation of vote before the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seat.

I give the floor to the representative of Denmark, who will speak on behalf of the European Union.

Mr. Christensen (Denmark): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia — and the associated countries Cyprus, Malta and Turkey, as well as the European Free Trade Association country member of the European Economic Area, Liechtenstein, align themselves with this statement.

We wish to refer to our statement made on the adoption of resolution 55/6 on 26 October 2000.

The Acting President: The Assembly will now take a decision on draft resolution A/57/L.4.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Algeria, Andorra, Angola, Argentina, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Chile, China, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic

of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Eritrea, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Australia, Latvia.

Resolution 57/5 was adopted by 133 votes to 2, with 2 abstentions.

[Subsequently, the delegations of Bhutan, Côte d'Ivoire, Ethiopia, Gabon, Mongolia, Sao Tome and Principe and Togo informed the Secretariat that they had intended to vote in favour.]

The Acting President: Before giving the floor to the speakers in explanation of vote after the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seat.

Ms. Costa (United States): The United States opposes this resolution. It serves as a direct challenge to the prerogative of sovereign States to conduct freely their commercial relations. Member States should understand, moreover, that this resolution is aimed at undermining the international community's ability to respond effectively to acts that, by their very nature and enormity, are offensive to international norms. There must be a consequence for such actions. Otherwise, offending States will have no incentive or reason to abandon them.

Unilateral and multilateral economic sanctions can be an effective means to achieve legitimate foreign policy objectives. They constitute an influential diplomatic tool. The United States is not alone in holding this view or in following this practice. The Charter itself provides for use of sanctions to change the behaviour of those who would challenge or seek to undermine international norms. It should be remembered that not too long ago, the unilateral and multilateral economic sanctions imposed on the racist regimes in South Africa and the then-Rhodesia underscored the international community's solidarity with the people of those countries, who were fighting for their dignity and freedom.

The United States resolve was not merely symbolic. It was real, and it took the form of carefully crafted economic decisions that spanned many years; and they had results. Those concrete measures, expressed in our national laws, had the broad support of the American people. Through those steps, positive change was realized. Those results-oriented actions were appropriate then and remain so today. The United States continues to believe that States should act with the highest of standards, not the lowest, thereby obviating the need for such measures.

The Acting President: I now give the floor to the representative of Canada.

Ms. Price (Canada): After careful and lengthy consideration, Canada has decided to support the resolution just adopted as, in our view, it embodies important principles on the issue of extraterritorial application of national law. Nevertheless, we consider that the resolution could still benefit from clarifications to make it fully consistent with the relevant principles of international law. We sought to propose amendments that would have clarified the meaning of the text. We are disappointed that the sponsoring delegation chose not to respond.

Canada has, for many years, taken a firm position on the issues addressed in the resolution and has consistently voted in support of other General Assembly resolutions condemning the inappropriate

extraterritorial reach of national laws. Canadian sanctions legislation does not allow for the adoption of such measures, as that would be inconsistent with Canadian policy and international law. Canada can and does exercise extraterritorial jurisdiction unilaterally. Such exercise is generally based on the objective nationality principle. Accordingly, Canada does not object to the assertion of extraterritorial jurisdiction per se, but opposes conflicts created by such assertions of jurisdiction. More specifically, Canada opposes extraterritorial measures that contradict or undermine the laws or clearly enunciated policies of another State exercising concurrent jurisdiction on a territorial basis over the same conduct.

With respect to the resolution just adopted, Canada understands that the inclusion of the term "coercive", notably in operative paragraph 4, is intended to ensure that the scope of the resolution is meant to apply to the State that is the subject of the sanctions or to affected third States and their nationals and corporations.

Canada's understanding is that the inclusion of the word "coercive" is not intended to condemn unilateral prescriptive measures that apply the objective nationality principle. On this basis, my delegation has supported the resolution.

Mr. O'Brien (Australia): Australia continues to oppose the application of extraterritorial unilateral economic coercive measures that affect third countries and, therefore, we support the central tenets of this draft resolution.

However, under certain extreme circumstances, it may be appropriate for States to take appropriate measures aimed at encouraging other Governments to cease violating their citizens' human rights and ignoring the rule of law.

In light of these concerns, Australia abstained in the vote on this resolution.

Mr. Sahakov (Armenia): My delegation has just voted in favour of the resolution entitled "Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion".

Armenia condemns the continuing practice of unilateral coercive economic measures, particularly in the South Caucasus region. Such measures contradict the basic measures and norms of international law and the United Nations Charter, as well as the norms and regulations of the multilateral trading system. The imposition of such restrictive economic measures has a detrimental impact on developing and transitional countries, as in the case of landlocked Armenia, which, in addition to a geographical impediment, is suffering from a continuing blockade.

In this regard, the right of all States to economic, political, social and cultural development should be respected, and any violation of the principles of equality should be opposed and strongly condemned. An overall condemnation of unilateral economic coercion will have a positive impact on the complicated situation in our region.

The Acting President: We have heard the last speaker in explanation of vote.

May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 31?

It was so decided.

Agenda item 41 (a) (*continued*)

Final review and appraisal of the implementation of the United Nations New Agenda for the Development of Africa in the 1990s

(a) Note by the Secretary-General (A/57/468)

(b) Draft decision (A/57/468, para. 18)

The Acting President: The Assembly will now take a decision on the draft decision entitled "One additional meeting of the Ad Hoc Committee of the Whole of the General Assembly for the Final Review and Appraisal of the Implementation of the United Nations New Agenda for the Development of Africa in the 1990s", recommended in paragraph 18 of document A/57/468.

May I take it that the Assembly decides to adopt the draft decision?

It was so decided.

The Acting President: The Assembly has thus concluded this stage of its consideration of agenda item 41.

Agenda item 11 (*continued*)

Report of the Security Council (A/57/2 and Corr.1)

Agenda item 40 (*continued*)

Question of equitable representation on and increase in the membership of the Security Council and related matters

Report of the Open-ended Working Group

Mr. Mwakawago (United Republic of Tanzania): At the outset, I would like to join my colleagues who have previously addressed the Assembly by expressing my delegation's heartfelt condolences and sympathies to Indonesia and all the countries that have lost their nationals in the tragic attack that occurred in Bali.

We have had occasion to state that terrorists respect no religion. In fact, they use religion as a pretext for their dastardly and cowardly acts. Tanzania experienced such attacks, along with Kenya, in 1998. My delegation supports the condemnation by the Security Council contained in resolution 1438 (2002).

The Assembly has before it a report of the Security Council, the consideration of which constitutes an important step towards a meaningful and sustained interaction between the General Assembly and the Security Council. My delegation welcomes the improved format of the Council's report that makes it more user-friendly and informative. The periodic wrap-up sessions that have recently involved participation of non-Security Council Members have added value to the working methods of the Council. Nevertheless, a lot more is required in ensuring greater transparency to further improve cooperation between the Council and the larger membership of the General Assembly. I would also like to echo the many interventions that have urged the Security Council to be more analytical in its reporting to the General Assembly.

It is almost 10 years since the establishment of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Related Matters. The Secretary-General gave a very apt description of the problem:

> "In the eyes of much of the world, the size and composition of the Security Council appear insufficiently representative. The perceived shortcomings in the Council's credibility contribute to a slow but steady erosion of its authority, which in turn has grave implications for international peace and security". (*A/57/387, para. 20*)

Regrettably, the Working Group is nowhere closer to tying the knot on an agreement for either the reform or expansion of the Security Council. We are hopeful that the rededication of our leaders to this noble undertaking, as set out in the Millennium Declaration, would add momentum to the search for consensus in this important matter. The leaders agreed "to intensify [their] efforts to achieve a comprehensive reform of the Security Council in all its aspects" (*resolution 55/2, para. 30*).

While there is a convergence of views on a number of issues, especially on working methods, important differences still exist on many matters. We believe that, with the requisite political will and commitment, the remaining issues could be resolved with a sense of urgency in the interest of enhancing the efficiency and legitimacy of the Security Council.

Indeed, the world has changed. The rhetoric of our Organization has evolved to respond to those changes. The Security Council cannot afford to be seen as an anachronistic institution. The challenge, therefore, is to reinvigorate the work we have embarked upon and commit ourselves to its timely conclusion to avoid its being termed an exercise in futility.

The issue here, as the agenda item enjoins us, is the task of bringing about greater democratization in the work of the Council by enhancing the balance of representation in both categories of its membership. I would like to reiterate our long-held position that reforming the Security Council will not only increase its legitimacy, but will also reflect the present reality in international relations and the increase in the membership of the Organization. I need hardly state that the present composition of the Council is at variance with the global constituency of the Organization. Some of the strains that manifest themselves from time to time are indicative of structural and institutional problems.

Africa is the region with the largest number of Member States. During the past few years, the Security Council has devoted more than half of its time to issues pertaining to Africa, in particular issues related to

conflict resolution and peace-building. And yet Africa is not represented in the permanent category of membership of the Council entrusted with the overarching responsibility of the maintenance of international peace and security. Africa's demands for reform of the Council are legitimate since they demonstrate the urgent need to bring about greater democratization and balance of representation. We see in the expansion of the Council a process of justice and greater empowerment of the international community in its deliberations.

The Working Group has had on the table the proposals of the then Organization of African Unity, now the African Union, and of the Non-Aligned Movement. The proposals offered a range of representation that would not compromise the efficiency of the Council. In all, Africa demands two seats in the permanent category and five elected seats. Tanzania fully supports that position.

Questions have been asked with regard to the modality of securing African membership for permanent seats. Our response, which Tanzania fully supports, is to have a system of rotation, with which Africa is well familiar. The two seats, but not their occupancy, will be assigned to the region — Africa — on a permanent basis.

We consider the issues of the veto and expansion of membership as integral parts of a common reform package. We call for the extension of the same rights and privileges to new members that will join the Council. We wish to further suggest that the exercise of veto in the expanded Council should be restricted to only those issues or matters considered critical by the international community.

In other words, the use of the veto or resort to Council action should not be an extension of the purely narrow national interests of any Member State. To continue with the current practice would undermine the spirit of multilateralism as embodied in the Charter, as well as global partnership in confronting today's challenges of peace and sustainable development. It is our hope that this issue will be given consideration so that a final resolution can be arrived at without further delay.

Mr. Grey-Johnson (Gambia), Vice-President, took the Chair.

In conclusion, I would like to state that, despite the Working Group's dismal progress, or lack of it, on expansion, my delegation believes that it still has a duty to carry its mandate to fruition. We see the issues that still divide us as surmountable if we generate the requisite political will and commitment. We should see to it that the open-endedness of the Working Group does not mean its work can continue indefinitely. There has to be finality to the Working Group's mandate, with concrete results, if the Group is to avoid becoming irrelevant or obsolete. That is the challenge both the Assembly and its Working Group face. There must be closure. Otherwise, it will not be possible to generate enthusiasm. The danger, as I see it, is that lack of progress in the realm of expansion might kill the spirit behind the Working Group. The stakes are high. We have to come up with resolute action. I believe it is doable.

Mr. Andrianarivelo-Razafy (Madagascar) (*spoke in French*): I wish, at the outset, to thank the President of the Security Council for the month of October, Ambassador Martin Belinga-Eboutou, Permanent Representative of Cameroon, for introducing the report of the Security Council covering the period of 16 June 2001 to 31 July 2002 (A/57/2). In the light of the tragic events that occurred during that period, Madagascar pays tribute to the efforts of the Security Council in achieving its mandate, particularly in the fight against international terrorism, which has once again claimed innocent lives.

Madagascar takes this opportunity to express its heartfelt condolences to Indonesia and to the other countries that lost citizens during the terrorist attacks recently carried out in Bali.

As the pivotal organ for maintaining international peace and security, the Security Council is more than ever called on to meet the expectations of the international community, not only in preventing all threats to international peace, but also in finding urgent and effective solutions to conflict situations. That concern for effectiveness led the General Assembly, through its resolution 48/26 of 3 December 1993, to set up the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council.

The many debates devoted to that issue both in the Working Group and during the current session of

the General Assembly show that Security Council reform is probably among the most difficult and delicate tasks before us. We have worked for nine years to make progress in that process, without significant results, particularly on matters related to the very core of Security Council functioning.

The appeal made by our leaders during the Millennium Summit, that we intensify our efforts to reform the procedures of the Security Council in all their aspects, has fallen on deaf ears in many respects. We must acknowledge that, despite certain improvements in the working methods of the Security Council, the prospects for a comprehensive reform to make it a democratic, transparent and more representative body are still a distant objective. Many disagreements remain, particularly those related to the composition of the future Council, the expansion of the two categories of membership and the use of the veto.

In that regard, Madagascar would like again to emphasize the sound foundation for Africa's claim to at least two permanent seats, with the appropriate prerogatives, and two additional non-permanent seats, within an expanded 26-member Council.

My delegation does not believe that claim to be unrealistic or over-ambitious; rather, it is justified by the logic of current realities. It is also in keeping with the spirit and principle of the sovereign equality of all the States Members of the United Nations. Since the maintenance of international peace and security is a collective responsibility for all — large and small, rich and poor — scrupulous respect for that principle is essential if the Council is to gain the trust and credibility necessary for the implementation of its resolutions.

In that context, we would like to emphasize that the non-permanent members of the Council are elected by the General Assembly and thus deserve to be associated with any decision-making process in the Council and to participate fully in it. Everyone knows that discriminatory treatment in itself constitutes a threat to peace and security. Given the mandate conferred on it in this area, the Security Council should be the first to avoid such practices and to promote transparency in the interests of more effective cooperation among its members.

Also in that context, Madagascar believes that the veto is an anachronism whose use is incompatible with the principle of the sovereign equality of States. At this time, when dialogue and democratic principles are being championed, the veto is an archaic and outmoded tool. Since the veto cannot be eliminated at this time, the permanent members must act responsibility in exercising that prerogative. In that spirit, the first realistic step might be for the permanent members to voluntarily limit its use to situations provided for under Chapter VII of the Charter. In order to better demonstrate their responsibility in this context, explanations should also be provided when the veto is used. Such a gesture would also confer greater credibility on the permanent members and thus on the Security Council as a whole.

Given the current gloomy context of uncertainty and threat, Security Council reform is crucial to enabling that body to efficiently carry out the mandate entrusted to it in the field of the maintenance of international peace and security. This is, of course, a difficult exercise, but success will be possible if we show determination in carrying out the task that we have been working at for so many years. Instead of succumbing to discouragement and resignation, we should be encouraged by the past nine years of very difficult work to make headway so that efforts in the Working Group in its tenth year might bear fruit. We owe that to ourselves and to future generations.

Mr. Kasemsarn (Thailand): I should like at the outset, on behalf of the Royal Thai Government, to express our heartfelt condolences and sympathy to the Government and the people of Indonesia, to other Governments and, in particular, to the families of the innocent victims who lost their lives in the tragic bombings in Bali.

With regard to the subject matter of today's debate, Thailand is pleased that this year two related issues — the report of the Security Council and the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council — are being taken up jointly. This is certainly a more efficient and practical approach to dealing with the issue of Council reform, since we will be able simultaneously to evaluate and assess both the substantive aspects of the work of the Council and its working methods.

Thailand welcomes the format of the report of the Security Council (A/57/2) as presented to us this year. The new approach taken in the preparation of the report

is a reflection of the continuing progress in one aspect of Security Council reform, namely, the Council's working methods. The inclusion of a more substantive introductory section appears to be quite useful, as it sheds light on how the Council views its own work. The substantially reduced size of the report makes the document more user-friendly. In this connection, I should like to acknowledge the contributions made by Singapore in spearheading the reformatting of the Council's report and by the United Kingdom for drafting the useful introductory section.

In this regard, we consider that there is room for further improvement in the format of the report. One important area is in the analytical evaluation of the performance of the Security Council. This is a key component for bringing about good governance, transparency and accountability, and will go a long way to help address the strengths and weaknesses of the Security Council as the most important multinational institution in maintaining peace and security. We hope that a process of self-evaluation or review will soon become a constant feature in the work of the Security Council.

Another area to which more attention should be given is that of the thematic issues discussed by the Council, and particularly their impact on the decisions and work of the Council. A third area of improvement concerns the monthly assessments of the Council's work made by Council Presidents. Those assessments have been quite useful in providing some insight into the work of the Council, and should be incorporated into the report. Finally, we would like to see the period covered by the report extended at least to the month of August. We recognize that time constraints are involved, but such an extension would ensure that the report was more up to date, thus facilitating the Assembly's assessment of it.

Time limitations make it impossible for us to become involved in an in-depth discussion of the Council's work during the past year. I should therefore like to focus on three points: political will, coordination with other institutions and transparency.

It has been shown that when there is political will, the Council can act decisively and get things done quickly. United Nations success stories over the past year in Timor-Leste, Afghanistan and Sierra Leone, for example, are by-products of the committed efforts of the peoples and leaders of the countries involved, the effective role played by key United Nations representatives and the strong political will of the Council to see the tasks through. Effective action by the Council at the right time was critical in those three cases. This sustained political will by the Council, backed by effective action at appropriate times, would have generated similar success elsewhere had it been applied with equal vigour.

But the Council cannot and should not act alone. It should continue to consult and to seek the cooperation of other institutions within the United Nations, such as the General Assembly and the Economic and Social Council, as well as those outside the United Nations, especially regional organizations. Africa is a case in point. The vast experience of the Organization of African Unity — now the African Union (AU) — as well as of subregional organizations, including the Mano River Union and the Southern African Development Community, should continue to be tapped as the Council seeks to deal with the challenges of that great continent. We therefore welcome the establishment of the Council's Ad Hoc Working Group on Conflict Prevention and Resolution in Africa and the Council's adoption of its recommendations, one of which concerns cooperation with AU. In many cases, the regional dimension holds the key to the solution; the Council should continue to make full use of it.

It is precisely this need for interaction, and, especially, coordination with non-Council elements that makes transparency so vitally important. How else can the international community feel confident about the Council's decisions on matters affecting all of us? In this connection, I should like to reiterate our appreciation for the efforts of the Counter-Terrorism Committee to ensure transparency in its work. We hope that these high standards will continue in future and will also be applied in the Council's informal and formal deliberations on other issues, particularly those having a direct and immediate impact on international peace and security.

What I stated earlier is an implicit reminder of the need to continue to assess the functioning of the Security Council and to reform it in a comprehensive manner. For, without a reformed Council — one that strikes an optimal balance between adequate representation of the wider international community in the Council and the Council's efficiency — Member States will never be able to feel completely certain of

the fairness and effectiveness of an institution to which they have entrusted the maintenance of international peace and security. Thailand therefore attaches great importance to Security Council reform with respect to both cluster 1 and cluster 2 issues.

Our position on the various issues related to this matter has not changed since we participated in the debate on this item in the General Assembly on 31 October last year. I wish, however, to highlight three points, namely, the future of the Open-ended Working Group dealing with Security Council reform, the critical need for progress in cluster 1 issues, and the need for consultations that are not limited to the exclusive club of Council members.

I should like to take this opportunity to extend our appreciation to Han Seung-soo, President of the General Assembly at its fifty-sixth session, for having presided over the Working Group during the previous session, and I should like also to thank the Bureau of the Working Group. This year marks the tenth anniversary of the Group. It is unfortunate that, after 10 years, the Group has not yet been able to come up with substantive recommendations on Council reform. What it has agreed to is a report (A/56/47) which is essentially a compilation of countries' views and positions which have remained essentially unchanged for the past decade. If this trend continues, the Working Group process will atrophy and with it the process of Security Council reform. Surely we cannot allow this to happen.

Perhaps it is time for the Working Group to explore new ways of improving its working methods while affirming the principle that all aspects of Security Council reform should be considered as a package. In view of the current impasse, the use of informal meetings to facilitate the Working Group's consultation process should be examined.

A wide divergence in views remains among States on cluster 1 issues, including the veto, membership in the Council and periodic review of the Council. Delegations are reluctant to alter their views on these different but interconnected issues partly because they are unsure of what the final package would look like. It seems that we are so concerned with the details that we are unable to grasp the wider picture of the reforms. We believe that, to facilitate its work, the Group could perhaps consider developing a methodology for coming up with multiple options with respect to a final comprehensive reform package, without prejudging any country's current position on any issue.

Thailand continues to call for a gradual approach to resolving the veto issue, beginning with its curtailment and ending with its eventual abolition. We continue to support the expansion of Council membership in both the permanent and non-permanent categories on the basis of equitable geographical representation and of the ability to share in the work of, and make financial and political contributions to, the United Nations. On that basis, we believe that Japan is a worthy candidate for permanent membership in the Council. Furthermore, any solution regarding Council expansion should be subject to periodic review.

Lastly, we hope that the Council will enhance its consultations with non-members in its deliberations on issues affecting international peace and security. In this connection, we attach particular importance to the Council's consultations with non-members on the issues of sanctions and peacekeeping.

Mr. Hussein (Ethiopia): My delegation strongly condemns the terrorist acts committed in Bali on 12 October 2002 and expresses its deepest sympathy and condolences to the people and the Government of Indonesia and to all the victims and their families. In this connection, we commend the Security Council for the swift action it took through resolution 1438 (2002). Once again, barbaric acts such as these remind us of the need for continued international cooperation in combating terrorism. Moreover, it becomes incumbent on all of us to be vigilant and to take all necessary measures in dealing with terrorists in our own countries.

Allow me, Sir, to pay tribute to your predecessors, President Han Seung-soo of the Republic of Korea, President Harri Holkeri of Finland and Ambassador John de Saram of Sri Lanka for the contributions they have made to the reform process. My delegation thanks also Ambassador Martin Belinga-Eboutou, President of the Security Council for the month of October, for the excellent manner in which he introduced the report that we are debating today.

The Security Council is entrusted with the primary responsibility for the maintenance of international peace and security; this responsibility was conferred upon it 57 years ago. Representation on the

Council today does not correspond to international realities, nor is the Council properly constituted to face the current multifaceted threats to international peace and security.

Taking into account changing international realities, I should like, as the Chairman of the African working group on reform of the Security Council, briefly to reiterate and highlight Africa's common position on reforming the Council.

Africa believes that the Security Council should be expanded in both the permanent and non-permanent categories. This would be in keeping with the overwhelming desire of the States Members of the United Nations for equitable regional and geographical representation. It is imperative to democratize the Council and thus to make it more efficient and transparent, in view of its growing role in discharging its primary responsibility for the maintenance of international peace and security.

The African Group does not accept the idea of expanding the Security Council only in the category of non-permanent members. We strongly believe that, in order to reflect new world realities and the increasing role of developing countries in the maintenance of international peace and security, the Council should be expanded in both categories, with adequate participation by developing countries. We as a group also believe that a Council with more equitable representation would not be possible without a proper increase of membership in both categories. For us in Africa, a Council of 26 members — for reasons of equitable geographic representation, democratization and, more important, the sharing of the collective responsibility for maintenance of international peace and security — is a fair and balanced figure.

Pursuant to the 1997 Organization of African Unity (OAU) Harare Declaration, no fewer than two permanent seats, with all the privileges — including the veto — attached thereto, should be allocated to Africa. Here I sound a word of caution. Those who believe that such an expansion of the Council, particularly of the permanent members, could occur excluding Africa should take note that this would be unacceptable to us. Indeed, it would be a mockery of the principles of amity and justice among nations.

While my delegation welcomes the progress made in the methods of work of the Council, particularly the increase in the number of open meetings, we still believe that the Council's methods of work should be further improved — to increase transparency, accountability and effectiveness.

Institutionalization of briefings to States which are not members of the Council, public debates and participation of States Members of the United Nations in issues of regional and international importance need our close consideration as a matter of urgency in our future work in the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Re. :d to the Security Council.

In that connection, we would like to register our strong objection to the marginalization and exclusion of elected members of the Security Council from informal consultations on major regional and international issues. Is it not ironic that as we speak of reforming the Council for the better, we see before our very eyes that those whom this Assembly elected to represent them are shunned by the unelected permanent members, who see the further expansion of the Council as a threat to and a dilution of their privileged power? This reminds me of the feudal era of the Middle Ages. The sort of privilege that allows unelected members not only to dictate in matters of great importance to all of us, but, as we saw recently, allows them also to exclude those whom we elected in this Assembly to represent us on the Council, should be unacceptable to all of us.

At this juncture, I would like to state that, like South Africa, Ethiopia supports the Secretary-General's recommendation to go beyond the provisional rules and procedures towards codifying the small progress that has been made in the work of the Council in its style of work and procedures.

I would like to conclude by briefly referring to three issues. First, let me commend the Council — and we must acknowledge where improvements have been made — for the excellent work done so far by the Counter-Terrorism Committee. Under the able chairmanship of Ambassador Jeremy Greenstock, that Committee has made the Council relevant in tackling terrorism. Much still needs to be done. However, it is the responsibility of all of us to make the war against terrorism more effective. This is a very good example of an area where reform of the Council, in ways suggested by many delegations, would contribute to international peace and security. It goes without saying

that where the collective security of the world is at stake, we need the broadest participation of nations. The entire Security Council — let alone the non-elected permanent members on their own, despite all their economic and military power — cannot do it alone. They need the broadest participation of all nations.

Secondly, it is gratifying that the Security Council devoted much of its work during the past year to Africa. A number of useful missions were undertaken. I would go further by suggesting that the Council should from time to time meet in locations outside New York, as it did on two previous occasions; once in Africa, in my country, and once in Panama.

The third issue concerns peacekeeping missions. These have been useful and successful, some relatively, some more so, as seen in Sierra Leone, Timor-Leste, the Balkans, Ethiopia and Eritrea. The United Nations Mission in Ethiopia and Eritrea (UNMEE), if I may confine myself to one, began its mandate in an environment where for six months before setting foot in the mission area there was no shooting between the parties to the conflict. It went into an environment which was very conducive to the maintenance of peace. Troop-contributing countries, the Secretariat and the Security Council all acted promptly with the full support of all concerned.

To date, UNMEE has been only a qualified success. It could have been a great success. I will mention only one experience which needs to be corrected. From our own experience in Ethiopia, we find at times, including most recently, that those in positions of command and entrusted with keeping the peace can also be a cause for serious concern. It is important, therefore, that while micromanagement of United Nations missions should not be the norm for the Council, as sometimes it has been, the Council should nevertheless be sensitive to such matters more than it has been hitherto. With a new Force Commander to take over on 1 November 2002, and together with the Special Representative of the Secretary-General and the parties to the conflict, we in Ethiopia hope that UNMEE will complete its mission with great success, as originally hoped for and as we see in other areas of conflict in Africa. A lot of good progress has been made and we hope the Security Council, with all the attention it has been paying so far, will take note of some of these sensitive areas in other parts of the continent.

Mr. Fall (Senegal) (*spoke in French*): It is always a pleasure, Ambassador Grey-Johnson, to see you comfortably installed on the podium, especially as the Permanent Representative of the Gambia, a brotherly and friendly African country.

Let me convey my warm congratulations to Ambassador Martin Belinga-Eboutou, Permanent Representative of Cameroon, on the brio with which he has led the work of the Security Council this month, as well as for the very pertinent and enriching introductory statement he made. My renewed compliments also go to all the new non-permanent members, whose contributions will be just as beneficial to the activities of the Council as were those of their predecessors.

I wish to express my satisfaction and gratitude to all 15 members of that aristocratic circle for the opportunity offered to us, the foot soldiers of the General Assembly, to consider once again the report of the Security Council and the question of equitable representation on and increase in the membership of the Security Council and related matters.

Before I continue, let me state that Senegal supports the views and observations judiciously formulated by Ambassador Abdul Mejid Hussein, Permanent Representative of Ethiopia and Chairman of the African working group on Security Council reform.

The report of the Security Council is a model of clarity and concision. It is a document that, above all, sheds light on the surprising and pleasant capacity of that patrician club to integrate into its Promethean approach a certain number of the concerns of the plebeian Member States. This is, without doubt, a demonstration of the positive spirit that led at the last session to energetic actions culminating in the Council's firm resolve, following the tragic events of 11 September 2001, to undertake the fight against terrorism within the framework of the Counter-Terrorism Committee established under Security Council resolution 1373 (2001).

In the same vein, I must reiterate our appreciation to the Security Council for the many public meetings it has devoted to Africa and to issues and activities that directly concern it, including missions undertaken in certain parts of the continent prey to incessant conflicts and flare-ups of violence, be they recurrent, residual or new crises; grave violations of human rights or their consequent humanitarian tragedies; the proliferation of

small arms; or other scourges, such as the HIV/AIDS pandemic, that tear apart, scar and devastate an entire continent.

These important efforts, which are signs of the Security Council's new vitality, should be welcomed, along with others that need to be consolidated and enhanced, including the regular and systematic dissemination of the programme of work of that organ; increased participation of non-members in the Council's work; the convening of information meetings for non-member and troop-contributing countries in the framework of peacekeeping operations; the issuance of monthly update reports by countries holding the Council presidency; and so on.

Significant progress has clearly been made. Have we gone sufficiently far, however, in helping the Security Council to become what it ought to be: a body exercising to the best of its ability its full responsibilities and prerogatives in the promotion of international peace and security? Given the unfortunate increase of African conflicts and the differentiated treatment — some might say non-treatment — they are accorded, is there not some justification for harbouring legitimate doubt and frustration about the Council's genuine resolve — I do not say capacity — to intervene more rapidly and energetically, as it did not long ago in other circumstances?

In the light of the alarming tendency of certain States and regional organizations selectively, even unilaterally, to impose coercive measures against specific countries, while allowing unlimited carte blanche and total impunity to others well-known for their systematic violations of Security Council resolutions, is there not a danger of seeing that organ evading its statutory obligations on a discretionary basis? Is there not a risk, given this perverse logic, of the Security Council's alienation from its own raison d'être — the establishment of peace — and drifting through the negative dynamic of sanctions towards an unnatural mission — an apology for war?

Since certain questions are clearly more important than their answers, I am led to the second item on today's agenda: the question of equitable representation on and increase in the membership of the Security Council.

In this connection, Senegal praises the efforts of the Open-ended Working Group established under resolution 48/26 of 3 December 1993 to formulate proposals on the membership and functioning of the Security Council in order to increase its credibility, legitimacy and authority. It would seem that, if it is to be credible, viable and reliable, this reform must focus on the size of the Council, its working methods and, above all, the veto.

The question of the size of the Security Council is critical because it is evident that its current composition hardly takes into account the emergence and influence of new State actors on the international scene following the socio-economic and geostrategic upheavals that have taken place since the adoption of the San Francisco Charter.

In this light, the expansion of the Council would affect the two categories of seats — permanent and non-permanent — through a less one-sided distribution of seats between North and South. That is why Senegal believes that a new Council of 26 members should, as recommended by the Organization of African Unity-African Union, include a minimum of two permanent and two non-permanent seats for Africa, taking into due account the legitimate claims of a continent keen to make its contribution, without concession or reservation, to the promotion of peace and security throughout the world.

With regard to working methods, with respect to which the Security Council has demonstrated a commendable spirit of openness and transparency in addressing the many issues before the international community, Senegal urges the Council to explore new avenues of innovation that might include, for example, the issuance of reports critically assessing its own performance and of compendium reports on the notable improvements already introduced or projected.

It is precisely on the basis of these principles of openness and transparency that I would cite with regret one current practice of the Council involving the process of introducing and adopting resolutions. The conviction that we share with most Member States is based on the observation that, regardless of their membership status, the 15 members of the Security Council all have an equal right to express opinions — which may, of course, be of unequal weight — throughout the course of the decision-making process, in virtue of the collective responsibilities which they share in solidarity.

To refuse to acknowledge this given and to draw appropriate conclusions from it would, I fear, be to

tarnish the image and prestige of the Council, which would be reduced to running on two speeds, with an active minority serving as a limited senior management of decision-makers, while the other members, the majority, would in reality be mere distinguished foils.

To refuse to acknowledge the urgency of reform would be, in a certain way, to deny the democratic ideal embodied by the United Nations, the essence of which is the equal, full and total participation of all its Members, including specifically the 10 elected members of the Council, in the Council's decision-making process.

Compared to the five permanent members, the elected 10 members have the specific advantage of being freely and democratically elected to the Security Council. Hence, they incarnate a unique legitimacy deriving from the will of Member States, which they represent. Thus, the isolation — indeed, the apparent ostracism — to which they may be unjustly confined in the Council could be seen, were it to prove to be the case, as a serious threat to the letter and the spirit of the Charter.

Therefore, there is a vital need, within the framework of Council reforms, to review the problematic veto power, a vestige of a time we thought long past that has degenerated into an anachronistic right which is not only discriminatory but, today, frankly incomprehensible. Therefore, it is imperative to limit its use, with a view to abolishing this outdated privilege. In order to do this, we have to start with a substantive discussion of the issue, in a calm, responsible and realistic manner.

In the light of the enormous challenges faced by humanity, Senegal has no doubt that we will together, and hand in hand with the 15 members of the Security Council, assume our responsibilities, armed with an ardent determination to leave to future generations a world of freedom, justice and prosperity. We shall be able together, with clear-sightedness, courage and determination, to take the initiatives that are needed to perpetuate this magnificent instrument of cooperation, solidarity and peace, which the international community created in order to triumph over all extremism and injustices: the United Nations.

Mr. Gatilov (Russian Federation) (*spoke in Russian*): The tragic events that occurred in the United States on 11 September 2001 and the recent terrorist attacks in Indonesia and other countries have particularly highlighted the imperative need for multilateral efforts to end current threats to international peace and security. They have also underscored the challenges of unparalleled magnitude faced by the United Nations and the Security Council in this area.

The Russian Federation has always been guided by the conviction that a strong and efficient Organization is the key tool for the collective regulation of international relations and the establishment of a multi-polar world order based on the United Nations Charter and international law.

Today, the capacity of the Security Council to respond promptly and properly to new challenges to global peace is more significant than ever. The Council's annual report to the General Assembly (A/57/2) provides details of its strenuous efforts and of the concrete steps it has taken to improve its working methods. Evidence of these are the 73 resolutions and 45 presidential statements that the Council adopted during this period. Over the past year the Security Council's activities have also become more transparent. The practice of holding open meetings and briefings on the most urgent items on the agenda has become more frequent, and interaction between the Security Council and troop-contributing countries has been strengthened.

The most important achievement was the creation of the Council's Counter-Terrorism Committee (CTC), which has proved to be a key element in the global system evolving under the aegis of the United Nations to combat terrorism. Through that Committee, the Security Council exercises its powers under the Charter in the maintenance of international peace and security.

Over the past year, the Security Council, in close interaction with other organs of the United Nations system, has also made considerable progress in settling regional conflicts. Primary responsibility for any settlement, of course, lies with the parties to the conflict themselves. But multilateral mechanisms have more than once demonstrated their effectiveness in restoring peace and reaching agreements. We can all claim credit in helping Timor-Leste achieve independence, establishing, with United Nations support, provisional self-government institutions in Kosovo, the Federal Republic of Yugoslavia, and the Transitional Administration in Afghanistan, as well as in adopting resolutions which have made a practical contribution to solving crises in a number of African

countries through the concerted efforts of the United Nations and African organizations.

Nevertheless, there are many hot spots that remain as sources of instability in the world. The situation in the Middle East is still far from being resolved; the Iraq and Cyprus problems also remain unresolved; there are persistent problems on the African continent. Hence, the good deal of hard work that remains requires great efforts, first and foremost through the political will of States to comply strictly with the provisions of the United Nations Charter, one of which establishes the key role of the Security Council in maintaining peace and stability.

Even this brief and far from exhaustive enumeration of the tasks facing the Security Council clearly demonstrates how right the Secretary-General was to say that Security Council reform, as an integral part of the extensive process of renewal and improvement of the Organization, should ensure not just the preservation, but the strengthening of the Council's capacity to effectively exercise its powers under the United Nations Charter.

Resolving this issue will be decisive for the future role of the United Nations in world affairs. It is for precisely that reason that the Russian Federation has so consistently sought the broadest possible agreement, ideally a consensus, on a possible formula for expansion of the Security Council. The overwhelming majority of Members of the United Nations share that approach. In keeping with that position, we are ready to continue our painstaking efforts to reconcile the serious differences that still divide States, particularly on the key issue of the future composition of the Security Council.

Russia still believes that effective work by the Security Council should ensure an adequate balance of interests and strengthen the trend towards reaching consensus within the Council. In order to ensure the necessary efficiency and viability of the Security Council, it is extremely important to preserve the compactness of its composition, since an excessively large membership could negatively affect the quality and effectiveness of its efforts.

We remain open to constructive proposals regarding the categories within which Council membership might be increased, on the understanding that any expansion should embrace both industrially developed and developing countries, which should be given equal rights and obligations. That is important if the work of the Council is to be objective and balanced.

We are convinced that ideas leading to infringement of the prerogatives and powers of the current permanent members of the Security Council, including the right of veto, are counterproductive. Unjustified criticism of the institution of the veto only fuels unnecessary emotions, and does not contribute to the achievement of the agreement we seek on the parameters for reform. The issue of giving the veto power to new permanent members of the Security Council may be discussed only when there is agreement on the specific composition of the membership of an enlarged Security Council.

Based on that consistent position, Russia will continue its constructive participation in the work aimed at reaching effective and broadly supported agreements on the reform of the Security Council within the framework of the Open-ended Working Group of the General Assembly. The activities of the Group should continue to be based upon the agreed parameters, including the principle of consensus and the package approach.

Security Council reform will be successful only if it leads not to division but to a greater rallying of States around this unique body bearing, on behalf of all United Nations Member States, the primary responsibility for the maintenance of peace and security.

Mr. Jokonya (Zimbabwe): Through you, Sir, my delegation offers its profound condolences to the people and Government of Indonesia and to the families of all tourists who were cruelly killed and maimed by the cowardly and dastardly acts of terrorism. Once again, humanity has become a pawn of the work of terrorists in our midst. The tragic events in Bali are a reminder — if ever we needed one — that the survival of the human race and the security of peoples and nations require cooperation instead of conflict. No unilateral action by any nation or group of nations, however powerful, can deal with threats to international peace and the security of our citizens.

My delegation welcomes the joint debate on agenda items 11 and 40, on the report of the Security Council to the General Assembly (A/57/2) and on the question of equitable representation on and increase in the membership of the Security Council and related

matters. The Security Council, a critical arm of the United Nations, makes decisions that impact on the whole Organization, if not the whole international community. My delegation decries what amounts to the current global apartheid in the Security Council, since it does not provide a stable multilateral system to the inhabitants of the world. Porous borders, ethnic divisions, the exploitative nature of global capitalism and the rise of fundamentalism make the world vulnerable to saboteurs and terrorists. Only a democratized global governance can make the world safe to live in.

The permanent members of this Council which has been endowed with the responsibility of providing security and peace for all mankind need not be reminded that they hold those positions in trust and, as such, not only are expected to desist from taking narrow and parochial decisions oriented by national interests but should always strive to preserve the authority and credibility of the Charter of the United Nations and international law. Current deliberations in the Council with regard to the situation in Iraq do not augur well, for there is a general perception that attempts are being made to fast-track solutions that are not in conformity with the Charter. Common sense, which is not very common these days, rejects the "might is right" concept.

Almost ten years have passed since we began to discuss the reform of the Security Council, and yet we are no closer to finding agreement in the critical areas of reforming the Council. Instead of agreeing quickly on the reform of the Security Council, Members continue to fall back on positions articulated yesteryear, and that procrastination has hampered the smooth operation of the Organization. There is urgency in increasing membership of the Security Council in both the permanent and non-permanent categories so that those nations that joined the United Nations after its formation in 1945 will also have representation.

In the Millennium Declaration, our leaders tasked the General Assembly to intensify its efforts to achieve a comprehensive reform and democratization of the Security Council in all its aspects as a matter of urgency. The longer we take to conclude that matter, the more we jeopardize international security. I do not need to remind one and all that this state of affairs renders the United Nations irrelevant on issues pertaining to international peace and security.

Africa and Southern America do not enjoy representation in the permanent seat category of the Security Council. My delegation rejects the notion that there should be no increase in the permanent seat category. That argument, in our view, supports what we referred to earlier as global apartheid, meant to keep the unrepresented out of meaningful participation in Security Council matters despite the fact that 70 per cent of the Security Council's time is spent on Third World problems. In that context, the Heads of State and Government of the African Union demanded in Harare in 1997 that two permanent seats be rotated among African States in a reformed Security Council. Surely that is not an unreasonable demand.

What is to be done? First, the onus, in our view, is on the permanent members to pronounce themselves clearly on two specific issues: whether they accept an expansion of the Security Council in the permanent category, and if so, whether the new members would enjoy the same prerogatives as they themselves enjoy. Or do they want to continue with the apartheid that exists at the present moment? Secondly, do the five permanent members accept an expansion of the reformed Council to a level that will cover other regions not currently represented? And if so, by how much? It is our considered view that once this is done, negotiations are likely to proceed at a much faster rate than has been the case so far.

My delegation would like to suggest that the Working Group take a decision by vote. It is our considered view that the reform of the Security Council will never enjoy consensus, particularly in the critical areas of the veto and the optimum levels to which the Security Council should be expanded. Indeed, there was no consensus on the working methods and powers of the Security Council when it was established in 1945. We recommend that the Working Group take a vote on the matter. Should it enjoy the support of two-thirds of the membership, it should be adopted.

Our conviction is that the business of maintaining international peace and security cannot be left to the whims of a few, 57 years after the establishment of the United Nations. To do so would be a dereliction of its international duty on the part of the General Assembly. It is axiomatic that those who elevate democracy to the level of a creed in the national affairs of Member States are guilty of double standards, since they are defenders of international apartheid when it comes to international relations, where their preoccupation is

global capitalism. But in the face of international terrorism, and in the interest of peace and security, in the current state of insecurity the international community faces the challenge of resolving tensions by using creative elements and cooperation instead of confrontation. That challenge will involve the democratization of global governance and not gunboat diplomacy, since the latter cannot accommodate the interests and perspectives of the world's inhabitants.

My delegation will therefore throw its weight behind you in the Working Group, Mr. President, in order to ensure a speedy reform of the Security Council. Genuine democratic reforms in global governance entail democratization at all levels, including increasing transparency, accountability and broader participation in the decision-making process. Permanent members must accept this not only when it comes to the fight against terrorism.

Mr. Šahović (Yugoslavia): I would like, at the outset, to offer our deepest condolences to the Government and people of the Republic of Indonesia in the wake of horrendous terrorist attack that took a heavy toll in human life and caused extensive damage. We also express our condolences to the Governments and peoples of the several countries that lost nationals in that tragedy.

Turning to the subject of our debate, allow me to begin by expressing my delegation's appreciation to the President of the Security Council, Ambassador Belinga-Eboutou, Permanent Representative of Cameroon, for his introduction of the report of the Security Council. I would also like to pay tribute to the outgoing members of the Council for their valuable contributions in the past period, and to extend congratulations to the newly elected members of the Security Council — Angola, Chile, Germany, Pakistan and Spain. I wish them success in discharging their important duties in the coming two years.

As the report of the Security Council states at the very beginning, the past year was one of the busiest in the history of the Council. Indeed, if we examine the report we can see that the Council's agenda was very broad, ranging from acute crises, such as the one in the Middle East and those in some areas of Africa, to issues of a more general nature — for example, the role of the Security Council in the prevention of armed conflict and the subject of children in armed conflict. However, the activism of the Security Council was in good part due to the work of the exceptionally productive and efficient Counter-Terrorism Committee (CTC). I will not elaborate on the achievements of the CTC at this point, since the topic was extensively addressed at the recent open meeting of the Security Council devoted to that subject. Nevertheless, my delegation would once again like to express our appreciation for the quality of interaction between the CTC and the membership of the United Nations. That interaction has become a model of transparency that should serve as an example in other areas of Security Council activity. Although it was not mentioned in the report, allow me also to express our appreciation for the practice of some Security Council members to devote both time and effort to continuously update the wider membership on the Council's activities.

Last year's debate obviously influenced the format and content of the current report. This is evident not only from the welcome reduction in its size, but particularly from the analytical introductory chapter, which we would like to believe is a preliminary step to further improvement in the reporting process. It may also be a sign of introducing greater substance into the relationship between the Security Council and the General Assembly.

In recent years the Security Council has developed the practice of sending missions to troubled regions on its agenda. In the reporting period under consideration, the Council undertook three missions — to Yugoslavia, Ethiopia and Eritrea and the Great Lakes region — while yet another one took place in July, to the countries of the Mano River Union. We commend the ever-more-frequent practice of the Security Council of leaving its Chamber in order to gain first-hand knowledge of developments within peacekeeping operations under the Council's mandate. The cooperation between Yugoslavia and the Security Council has notably improved since the Council's mission to the Federal Republic of Yugoslavia in June 2001. Our cooperation with the United Nations Interim Administration Mission in Kosovo (UNMIK) has also intensified. We welcome the forthcoming Council mission to the Federal Republic of Yugoslavia, which will visit both Kosovo and Metohija and Belgrade, and hope it will have a similarly positive effect.

A significant part of the report of the Security Council deals directly with my country and our region. I am pleased to say that progress has been achieved in the last year on an issue of significant importance to

the Federal Republic of Yugoslavia. As a result of intensive negotiations, Yugoslavia and Croatia have reached an agreement on the concept of a provisional transboundary regime in Prevlaka. The presence of United Nations observers has been a key factor in securing a stable situation on the ground, thereby enabling the two sides to engage fully in the quest for a mutually acceptable solution. It is our expectation that the recent extension of the presence of the United Nations Mission of Observers in Prevlaka (UNMOP) will make it possible for us to finalize the necessary practical arrangements concerning putting in place a provisional transboundary regime.

UNMIK was another mission in the region under the Security Council's mandate that has performed very well. The fact that a mission of the European Union will soon replace it is proof of good cooperation between the United Nations and regional entities and organizations.

I would like to add that the termination, in September 2001, of prohibitions imposed by resolution 1160 (1998) was of course a very important development for Yugoslavia, as it finally abolished the last remaining United Nations sanctions against my country. However, even resolution 1367 (2001), which dealt with this matter, noted the difficult security situation along Kosovo's administrative boundary and parts of the border with the Federal Republic of Yugoslavia. This assessment is still valid, not only with regard to the borders and boundaries but with respect to the entire province. We therefore welcome the continued engagement of the Security Council, which is evident from the regular monthly debates that closely monitor the performance of UNMIK and the situation on the ground. We believe this practice should be continued.

In that context, allow me to mention that the report's introduction commends the Council's "low-key approach" to Kosovo and Metohija. It is our belief that Kosovo and Metohija has entered an exceptionally sensitive phase of institution-building. It is therefore extremely important that the political process is channelled in the direction of long-lasting stability and the true establishment of a multi-ethnic and democratic society, with the full involvement of the Security Council rather than through a "low-key approach".

My delegation also cannot fail to refer to the part of the report that deals with the work of the subsidiary bodies of the Security Council, particularly the International Criminal Tribunal for the Former Yugoslavia. Regrettably, some of the assertions are in obvious contradiction with facts stated in the same chapter. We can in no way accept the counterfactual allegation that the Federal Republic of Yugoslavia remains an obstacle to the implementation of the Prosecutor's mandate when former President Slobodan Milosevic stands trial as we speak and 14 indictees have been taken from Yugoslavia's territory and put into the custody of the Tribunal.

In conclusion, allow me to express my delegation's appreciation for the continuing constructive engagement of the Security Council. Along with many previous speakers, we express our hope that the long-standing efforts to achieve meaningful Security Council reform will receive the political impetus that is evidently needed. In the meantime, the Federal Republic of Yugoslavia would like to reiterate the necessity of implementing Security Council resolutions with equal resolve, be it concerning Iraq, the situation in the Middle East or Balkan issues.

Mr. Stanczyk (Poland): At the outset, I would like to express my deep condolences to the Government and people of Indonesia, as well as to other countries whose nationals lost their lives in the recent terrorist attack in Bali.

Let me begin by addressing our agenda item on the report of the Security Council for the year ending 31 July 2002 (A/57/2). As evident at first glance, this year's report of the Council is different from past ones. We welcome this change in format; it makes the report more concise and focused and thus enhances its relevance to our needs. The analytical introduction is a useful overview of the key aspects of the Council's work and gives us a better perspective of the issues under consideration by the Council. I wish to join all those who expressed their gratitude to Ambassador Mahbubani for his, as well as his delegation's, involvement in bringing about this important change.

The previous year was particularly challenging for the Council. The terrorist attacks against the United States of America on 11 September 2001 brought home the scale of the threat posed by terrorism to international peace and security. The unanimous and decisive action taken by the Security Council in response to those attacks demonstrated that the United

Nations is able to stand united in the face of threats to the whole international community. But it also demonstrated that our Organization is indispensable for effectively dealing with problems of a global nature. A case in point is the operation of the Counter-Terrorism Committee, which, under the dynamic leadership of Sir Jeremy Greenstock, has shown that determination and perseverance can make a real difference.

While the question of international terrorism has been of highest priority on the Council's agenda during the year under review, other important issues relating to the maintenance of international peace and security continued to be the focus of its attention.

In Africa, the Great Lakes region remained a major concern, and, thanks to the Council's engagement, we have noted some positive developments towards stability in that part of the continent. The Council has remained engaged in the Ethiopia/Eritrea dispute, where the decision on border delimitation is an important step towards achieving a durable peace. Likewise, the presence of United Nations peacekeepers in Sierra Leone has brought a tangible contribution to improving the situation in that country, although the overall situation in West Africa remains of serious concern.

We believe that Security Council missions to conflict areas are an important tool at its disposal in the resolution of conflicts and in bringing lasting peace to troubled regions. We believe that this has now become a permanent feature of the Council's work, adding to the panoply of instruments at its disposal for the maintenance of peace.

Violence and loss of life marked yet another year in the continuation of the Middle East conflict, which was the focus of the Council's attention on many occasions. Security Council resolution 1397 (2002), confirming the right of existence of both Israel and Palestine within secure and recognized borders, has been an important step taken towards lasting peace in the region. The Council has our full support in its efforts to achieve this goal.

We commend the decision to provide assistance to the newly independent Timor-Leste by means of the United Nations Mission of Support in East Timor (UNMISET), after the expiration of the mandate of the United Nations Transitional Administration. United Nations support in the early stages of statehood will allow the new democratic institutions to gain a steady foothold and the experience necessary for governing the country.

The Council's role has been, likewise, pivotal in creating conditions for the establishment of a Transitional Administration in Afghanistan. The establishment of the International Security Assistance Force (ISAF) has made an important contribution towards creating a more secure environment in which the new Government can operate. It is important to maintain United Nations involvement in Afghanistan until democracy is firmly established.

Positive developments in the Federal Republic of Yugoslavia allowed for the lifting of the Security Council arms embargo on that country, and the Council's efforts helped in increasing stability in Kosovo. The impending assumption of greater responsibilities by the European Union after the termination of the mandate of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) is also a sign of increased stability in the region. The Council's efforts over the previous year have further contributed to an overall increase of security in the Balkans.

A brief overview of the Council's work clearly demonstrates its importance to the whole international community. It is, therefore, all the more troubling that, after nine years of deliberation, we still have not been able to achieve a consensus on a comprehensive reform of the Council. One point on which we all agree is that such reform is needed — if not indispensable — for the ability of the Council, in years to come, to efficiently discharge the functions ascribed to it in the Charter. The important changes in the international architecture that took place since the last adjustment of the Council some four decades ago should not be ignored.

Poland continues to support the proposal for expansion of the Council in both categories of membership. An increase in the category of permanent members should address the legitimate expectations of underrepresented regions — that is, Africa, Asia and Latin America — and take into account the important role in international relations assumed by Germany and Japan. Their aspirations to shoulder heavier international responsibilities find our full support.

The non-permanent category of membership should also be expanded so as to increase the overall representativeness of the Council. The regional group of Eastern European States, whose membership in the

United Nations has increased significantly during the last decade, should be allocated an additional non-permanent seat in a reformed Council.

The question of the veto should also be addressed during this process. While the issue is complex and highly divisive, a solution should ensure the ability of the Council to function effectively, since increased efficiency of the Council is one of the goals of the Open-ended Working Group.

It needs, however, to be pointed out that the Working Group has made important progress in reforming the methods of work and the transparency of the Security Council. Several of the proposals put forward during the discussion on Council reform have already been implemented by the Council itself. One such example are the new rules for meetings with troop-contributing countries. This is a welcome improvement, as those who directly contribute to peacekeeping operations established by the Council should be informed and consulted in advance of any major developments relating to the operation.

The increased transparency of the Council's work also has to be acknowledged. The number of open meetings held by the Council over the past year is unprecedented. At the same time, the quality of information provided to a wider membership by the Council's successive Presidents has continued to improve. Thematic debates on issues of direct relevance to international peace and security, such as increasing the protection of civilians and women and children in armed conflict, helped to increase the understanding of the broader context of the Council's work. Those developments, however timely and useful, cannot be a substitute for comprehensive reform of the Security Council.

We are, therefore, looking forward to a constructive debate on this issue. In light of the increasing tasks that fall on the Council, it is more important than ever before.

The Acting President: We have heard the last speaker in the debate on agenda items 11 and 40 for this meeting. We will continue the debate on these items this afternoon at 3 p.m.

The meeting rose at 1.15 p.m.